

The Common Good and the Politics of Community

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Introduction

In the last twenty years in Ireland, we have witnessed debates - notably about abortion and divorce - which featured not only radically opposed viewpoints but also significantly different vocabularies. Many advocates of divorce legislation, for example, spoke of the individual's right to remarry, focused on individual freedom as the most important value at stake, and opposed state intervention in matters perceived to be of personal morality. Their opponents spoke of the common good and the fabric of society, and argued that the state should support social institutions that embody the values of the community. At least at the polarised extremes of this debate, inhabited by so-called 'fundamentalist liberals' and 'authoritarian conservatives' the protagonists often seemed to talk different languages, built respectively around 'individual freedom' and 'the common good'.

The trends underlying successive referendums seem to suggest that the language of individual freedom has become marginally more persuasive to the electorate. In the wider political context, however, there has recently been a widespread revival of talk of community values, notably in the US and Britain, suggesting that claims of rights have become too extensive, and need to be balanced by recognising duties and responsibilities. This has been taken up with some enthusiasm by quite a range of political actors including Tony Blair and Bill Clinton, and has also received some attention in Irish political circles.

In some respects at least these practical debates mirror the wider theoretical debate between liberals and communitarians which dominated the field of political theory for a number of years. Liberals argued broadly that individual autonomy is the primary value and that the state, although it may need to make provisions to reduce inequality, should be more or less neutral on the sort of lives individuals should lead. A just political society is one that, subject to some quite general rules of distribution, allows all its members to define and pursue their own life plans. Communitarians argued that individuals are fundamentally defined by the communities in which they are born and grow and cannot fulfil themselves except as members of communities; they rejected the liberal view of the autonomous self as a false description and an undesirable aim; hence, they argued, the state must help to promote the communal settings in which individuals reach their fullest development.

In the course of this debate many issues were clarified, causing theorists on both sides to modify their arguments significantly; while major differences still prevail, much more subtle positions are now maintained. For example, liberals have taken on board some communitarian points, often holding that liberalism never denied these. However, liberals steadfastly resist the idea of what is called a 'politics of the common good' largely on the grounds that there is no common good (at least in the sense of a shared view of human good or destiny) in modern pluralistic societies

In this paper I argue that the liberal dismissal of the notion of the common good is too sweeping. I am also concerned here to address some issues that have arisen in practical politics, where, it must be said, less nuanced positions predominate. While some of what I argue may not apply to the most

considered expressions of liberal and communitarian thought, I believe it has a bearing on popular ideas currently in circulation. Sometimes political life gets stuck in the grooves of earlier theoretical debates. We might say, to paraphrase Keynes, that every self-styled 'practical' person is the victim of some defunct political theorist. My aim is not to take up the cudgels against liberals or communitarians as such; part of my point is that things are much more complex than extremists on either side suggest.

I should state at the outset that there are at least two sets of issues connected with the notion of the common good - those concerning just distribution in society and shared values respectively. While the first raises very important and related issues, it is the question of shared values on which I want to focus here.

My concern is that the notion of the common good may be either too sweepingly dismissed or too unreflectively embraced. There is a traditional argument for the common good which has been used to justify authoritarian politics, but this is not the only way of approaching the issue. By considering a range of meanings of common good, I examine what is involved in a more complex and less widely recognised sense. I introduce this in the context of examples from current debates about the environment, culture and morality, and specifically about the contentious status of marriage and the family. I suggest that the notion of shared goods is important to politics, and does not imply the oppressive government that some liberals fear. Without a concept of common good only quantifiable benefits distributable among discrete individuals can be considered part of a human good. But human life involves complex layers of existence and social interdependence. Accordingly, to fail to acknowledge this would be to miss much of what matters most to people and contributes to their development as individuals. While human good cannot be simply determined by reference to a fixed, universal nature, neither is it radically individual. Even in a world where we are conscious of the variety of fundamental goals and cultural values that people may embrace, we need to make provision for recognising some common, shared goods. I do not attempt here to affirm what specific measures are and are not common goods, but rather what structures may best allow their identification and realisation. This leads to the further question - whether the state can have any function in promoting the common good, an issue which is one of the fundamental sticking points between liberals and communitarians. I argue that the state inevitably embodies some perception of common good, that this should be conscious on our part rather than unconscious, though it should not generally take the form of constitutional or legislative coercion or prohibition, and that it should be a matter of public deliberation. Rather than entailing the authoritarian and conservative implications which have rendered the term suspect to many in Ireland today, this notion of the common good has radically democratic implications.

Three Conceptions of the Common Good

In what follows I want to separate out three ways in which the discourse of the common good is used. I will call these teleological, individual-instrumental and intersubjective-practical approaches respectively. In the first common goods are seen as predetermined human purposes, in the second as conditions of individual fulfilment, and in the third as products of human interaction, which relate participants through certain kinds of practices. Teleological conceptions have been dominant in ancient and early modern societies, but the individual-instrumental usage has become increasingly prevalent; it has the advantage of being analytically very clear, and hence fits easily into the

influential modern discourses of economics and law. The third, intersubjective-practical sense of shared goods, however, resonates strongly with people's experience, particularly in the areas of the environment, culture and morality.

First, teleological conceptions identify the common good with specific human ends or purposes common to people because of their similar nature - for example, rational philosophical contemplation in Aristotle, union with God in Aquinas, harmony with a wider nature in some native and ecological philosophies - an approach to the good which though differently specified in different cultures and at different times has carried considerable weight, and still has power mainly in relatively homogeneous societies. The conception of the common good most familiar to us (and embodied in the Irish Constitution) comes broadly into this category, derived as it is from early twentieth century Catholic social thinking. It is grounded in an Aristotelian view of humans as essentially social animals, who not only live together but, in order to develop themselves fully need to be members of a political community. In this tradition the state is not merely an instrument to provide public order or protect individual rights, but is concerned with the moral formation of the citizens. Catholic social thinking builds on Aristotle's idea that human well being depends on a number of objective needs; this means that the good for human beings is predetermined in general by their natural ends or purposes. This theory was specified in more detail in the work of Thomas Aquinas, who put the notion of the human good in a theological framework, expanded it to apply universally to all humans and developed a very complex hierarchy of levels of the good up to the supreme common good. In the natural law tradition of Thomism which has been carried on up to the present the state has a major role to play in promoting the common good; as determined by the understanding of nature it is to be embodied in law: 'the idea of the common good implies the request to describe exactly the good or complex of goods which ought to constitute the final aim of power' (D'Entreves, 1967, 226). This, however, is only one understanding of the common good and its political status. Here the common good is that of human beings in a political framework "united under God" in a society designed to realise human needs and values as universally defined by natural law, an approach based on assumptions that are not unproblematically accepted today, when we recognise that there are many different accounts of what are the purposes of human living.

In the second, individual-instrumental approach the common good is identified as the ensemble of conditions for individual fulfilment, or the aggregate of individual goods. This how liberal theorists who do not reject the idea of a common good out of hand tend to define it. The common good is initially understood as whatever benefits all. 'The common good I think of as certain general conditions that are in an appropriate sense equally to everyone's advantage' (Rawls, 1971, 246). In the first place this requires a basic framework making civilised life possible. Further political measures can be justified as being in the common good if they benefit all equally; the laws which ensure the basic peace and security of society, public order, and measures promoting public health, traffic regulation and so forth are generally seen in this light. From this perspective all measures are considered in the light of their impact on individuals, though in many cases the benefits of some will have to be balanced against the benefits of others; in these cases the notion of the common good contributes nothing to the discussion.

It is understood that benefits are to everyone's advantage in the sense that they are distributable among separate individuals. We may all benefit from peace or the improvement of traffic flows, but

it is as separate individuals with our own priorities and purposes that we do so. While this is a valuable use of the term common good, it is too narrow and restrictive if it is considered as the only legitimate sense. This use does not entail the recognition of shared goods, and indeed often involves the denial of their possibility. As Margaret Thatcher might have said, there is no such thing as the common good, only the good of individuals, families and so on. I will argue that we need to consider wider senses of common good to grasp adequately what is at issue here.

It should be mentioned here that the concept of 'public goods' described by economists is completely consistent with this sense of the common good. It simply refers to benefits from which, if provided, it is not possible to exclude people, such as fresh air, streetlighting and, classically, lighthouses. But the enjoyment of these goods is taken to accrue to individuals separately.

This sense of the common good is often stretched to mean the good of the overwhelming majority in society as distinct from that of a small section or faction. In this sense, the term 'the public interest' emerged in the seventeenth century to signify the interest of the people in contrast to the private interest of the monarch, and has since become a notion used to limit the power of sectional groups in society. Thus the common good is invoked in debates about salmon farming in the west or goldmining on Croagh Patrick to convey the interest of the wider society as opposed to the interest of individuals or companies who own property. But the term 'public interest' significantly implies or connotes an aggregate of individual interests, usually of a material kind (Barry, 1965, chs X-XIII).

This understanding of the common good leads us, however, towards a third sense of the common good that is not so easily resolved into the benefit of individuals, that I have called the intersubjective-practical. The common good which may be achieved in preserving an area of natural beauty, religious significance, cultural heritage or ecological importance is not exactly comparable to the benefit which individual shareholders receive from the dividends of their mining or salmon farming companies. It is much less tangible and quantifiable; how do I measure my benefit from the preservation of Croagh Patrick? It may never be distributed: I may never climb Croagh Patrick, but I still derive some value from its being there as a possibility open to me. Some argue that in all such cases the benefit is merely switched from a small number of shareholders to a slightly larger or more vociferous number of religious traditionalists or nature lovers, but others rightly think it too narrow to say this. There is a real social benefit to a wider group; the wider benefit is not easily distributable or assignable across individuals; even identifying the beneficiaries in question may be difficult, as they may not yet be born. The urgency of environmental and heritage issues derives from the danger that certain options may be shut off for ever for future members of our society. The common good in this sense is no longer that of equal benefit to all individuals tangibly enjoyed (and measurable in a balancing exercise of the good of different individuals). Conversely for public harm to be experienced it is not necessary that each member of society suffer a specific harm or loss, but that positive possibilities are shut off, and negative ones become more likely. For example, some feminists argue that the harm to women done by pornography or sexual harassment cannot easily be understood by focusing on individual cases. Rather it 'inheres in social practices which are not susceptible of analysis in terms of an accumulation of individual discriminatory acts' (Frazer and Lacey, 1993, 82).

I am arguing then that we should recognise a third sense of the common good as shared goods; this is based on the belief that there are some goods that can be realised by individuals only in

interaction with others, through certain cultural and social practices. The first level (a) of these practices includes such things as the game of tennis, symphony orchestras, and most occupations - from computer programming to practising medicine. At this level we are just saying that these activities need a social framework to be possible at all. However, much of the benefit enjoyed by their practitioners might still be at an individual level - the satisfaction of winning, playing well, solving a problem or curing a patient. But at a second level (b) there are goods which involve the experience of sharing. A simple example is the conviviality experienced at a good party. This is different from individual enjoyment of the food, wine or music. It is not just that individuals converge on enjoying some aspect of the party, but that they recognise that part of what they appreciate is the communal enjoyment, a notion captured by the colloquial term *craic*. 'In cases like these, the individual experiences are unintelligible apart from their reference to the enjoyments of others' (Waldron, 1993, 355).

Shared goods are valued at least in part because they are shared, and not individually assignable or enjoyed. More substantial examples may include being a member of a language or religious community, sharing a common natural or cultural heritage, and other collective endeavours. Some part of our appreciation of the Burren or Croagh Patrick may be that we share it as part of our common culture. In contrast we might want to save the tropical rainforest for strictly ecological reasons such as maintaining bio-diversity. Self-expression through a common culture is often held to be one of the central common goods. It is not just a matter of speaking one's own language, knowing one's own history, holding one's own religious beliefs, but living among people and within institutions that recognise these. It is not reducible to realising individual preferences - a fact which seems borne out by the difference between the number of people who actually speak Irish as their language and those who declare their support for its preservation as part of our common culture. It must be said that language, culture, and natural heritage are shared in different ways. While a language literally is shared by all its speakers, often unreflectively, without any explicit endorsement of particular beliefs, people participate in other forms of cultural heritage less immediately and more abstractly, and may interpret and evaluate these differently. But all contribute to the relatively immediate communication between members that is one feature of a community.

I would argue that shared goods are not incidental, but central to individual fulfilment. 'A person's well-being depends to a large extent on success in socially defined and determined pursuits and activities' (Raz, 1986, 309). For individuals to realise their most deeply held values, there must be social practices that embody these values. At the simple level we can see that a Irish speaking family trying to bring children up in their culture will face major obstacles if schools, newspapers, television and government services through Irish are not available. At a more complex level there are certain options that lack real significance without social practices that recognise their value. The significance of individual behaviour depends on the existence of social forms. You cannot be a monogamist in a polygamist society, you are just someone with one wife so far (Raz, 1986, 162). Committing your life to Third World development means something in modern western society it could not have meant in Ancient Athens, where there was no notion of the universal dignity of human beings, and no socially established practice of humanitarian aid. Social institutions not only create the possibility of certain kinds of life, but also confirm their value.

This move from individual goods to shared goods entails a more complex understanding of human beings. Instead of seeing them as wholly separate entities, we have to recognise how they are

interconnected, and the good of one often dependent on the good of others. People are intrinsically social as well as significantly separate. Membership of a community is itself part of living a worthwhile life. In the light of our recognition that there are common goods as well as purely individual ones, we may say that, contra Mrs Thatcher, there is such a thing as society and community, which exists through these communal activities and enjoyments, which are not reducible to individually distributed benefits, though their point is the good of individuals. This view does not entail that there is a macro-entity, be it society, the nation or the earth, which is valued over and above the human beings who live within them.

This notion of the common good emphasises the importance of what are variously described as cultural identity, shared understandings, or common meanings to individual autonomy and identity. It diverges from the teleological natural law interpretation which derives from a single determinate account of human nature a hierarchy of human goods culminating in the common good. Thus it may be more appropriate to talk of 'common goods' rather than the common good. What is in the common good will vary with the specific circumstances in every case. The cultural interpretation of the common good is sometimes seen as just as rigid and oppressive as the teleological, even if it imposes 'our' way of life rather than the good way of life. But it is not that an 'Irish way of life' or 'Unionist traditions' have any mystical claim to realisation, but that there are particular ways in which the people who live in Ireland, building on their historical situation, can most fully realise their possibilities now and in the future. Here, unlike in teleological approaches, it is acknowledged that cultures grow and change, and the forms and relative importance of various elements such as language, customs, settlement patterns, expressions of beliefs, and relations with smaller-scale and larger communities change over time. We may need to recognise the value of our communal practices, but that does not mean that a particular interpretation of the Irish 'way of life' and the practices that compose it be set in stone. There will clearly be different levels of community nested in one another, from the local to the national and beyond, and the nature and boundaries of these potential communities depends on specific circumstances. In any case it is clear that in this way people may have multiple identities, as members of several communities. Some common goods will be more local, others more wideranging. We may, for instance, be at the point of constructing a community with substantive shared goods at the European level, where up to now there has been just an association for mutual benefit.

Communities and their interpretations of the common good will not always be in harmony with one another. Deeply held values may come in conflict. The dynamic notion of culture I have outlined admits the possibility not only of common goods, but also of arguments about the nature and direction of the common good. To connect these theoretical considerations with a particular case: one very familiar disagreement in current politics centres on the role of marriage and the family in social life. Are we or are we not to conclude that marriage is essential to the social fabric, and what political implications should we draw?

My answer would be something like this: we may believe that family structures and continuing relationships are an important part of the social matrix of our community. Those who claimed that they could not make a lifelong commitment in a society with divorce may have been exaggerating, but nonetheless glimpsed the way in which some personal goals depend on established social practices. As Raz puts it, 'monogamy requires a culture which recognises it, and which supports it through the public's attitude and through its formal institutions' (Raz, 1986, 162). My relatively

communitarian sense of the common good does not, however, presuppose a single account of the role or form of the family that is a common good. Nor does it assume that the primary function of the family is to act as a kind of social cement, as distinct from its enabling individual development. Indeed there have been a number of shifts in the shared meaning of the family in modern times - for example, from a relationship concerned primarily with reproduction to one of shared affection and joint projects, and from a strong commitment to an extended family to a more intense commitment to a nuclear family. Thus the meaning of the family may not be as simple and clear-cut as some of the opponents of divorce like to suggest. The core of the family may be relatively permanent relationships of affection and concern, as Finnis puts it,

'a common stock - of uncalculated affection, physical and psychological rapport, of shelter and means of support and material bases for new projects, of memories and experience, of symbols, signs, and gestures to bear moods and meanings, of knowledge of each others strengths and weakness, loves and detestations and of formal and informal but reliable commitment and devotion' (Finnis, 1980, 145).

Yet the common meaning of the family and what it requires may develop over time, as all but the most dyed-in-the-wool conservatives recognise in the practice of their own day to day lives. This can be seen in the growing intolerance of domestic violence and child abuse, and in the readier acceptance of young unmarried mothers by their families. Some contributors to the Constitution Review Group which reported in 1996 suggested that 'the family' should still be incorporated as the 'primary and fundamental unit of society' in the constitution, while including a wider range of relationships than formal marriage, relationships in which people live in continuing close association out of mutual love and intergenerational concern. It remains a matter of reflection and debate just how wide this definition should be, and what institutional framework it requires. Since this raises the question of the role of the state in realising the common good, it is to this I will now turn. I will return to the treatment of the family in the context of discussing what the political response to our understanding of the common good should be.

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The State and the Common Good

What role if any should the state play in promoting the common good? Some liberal thinkers have argued that while communal practices are valuable, they must be left to smaller communities to develop below the political level and must be oppressive to individuals and dissenting minorities if expressed through the state (Simpson, 1994). In their theoretical debates it became clear that the best exponents of liberal and communitarian thought, as Kymlicka puts it, 'disagree not over the social thesis, but over the proper role of the state, not over the individual's dependence on society, but over society's dependence on the state' (Kymlicka, 1990, 230).

The classical liberal position is that given the diversity of goods which reasonable people may adopt as their goals, the state should be neutral about questions of the good life. But in practice liberal societies can survive only because the liberal state does promote certain values of trust, tolerance, mutual respect and so forth, and embodies a particular view of the common good. If the principles of state neutrality were to be rigorously applied, many of the things liberals value would not be preserved. Even the market requires state support to function efficiently. Neither the market nor

lower-level institutions can guarantee the preservation for future generations of valued heritage or common culture. Markets are structured by individual preferences, not common values. Few communities can match the muscle of multi-national corporations and states. If the precepts of the Economist were literally applied we might live in a world in which you could buy only The Sun. Even if we are all more enlightened than we think, our individual appreciation of the Aran Islands or the Burren does not guarantee that they will be available for future generations. However, a liberal might grant all that I have just said, and agree that the state cannot be wholly neutral, while still claiming that the state should not favour any more substantive idea of the good life, or any particular culture.

But the state cannot be wholly neutral in this sense either; whatever its form, it exerts enormous influence for better or worse on the possibilities and values endorsed in society. It is not only a power mechanism or redistributive agent, but ineluctably a source of moral authority. For example, more severe penalties against drunken driving appear to be altering moral views on a practice that was hitherto widely condoned in Ireland. What we think of as private is often the subject of extensive state intervention. In the case of marriage, for example, the state determines what constitutes a marriage: 'Who can marry whom, who is legally the child of whom and whether both spouses or only one must consent to their dissolution, are all directly determined by legislation' (Okin, 1989, 130). The laws and policies the state implements do not just tolerate social actions, but are bound to legitimate certain practices; it structures the social practices within which we act. Recognising a right to divorce does legitimate the practice. Not having strong provisions to deal with domestic violence did tacitly endorse men's right to act in certain ways. The relationship of marriage hitherto available was not strictly natural or God-given, but a relationship that had been heavily shaped by the state over time through laws (or their absence) on the legal existence of married women, their role in the home, adoption, domestic violence and rape within marriage, and the availability of contraception, as well as by policies on taxation, social welfare, education, health administration and child-care provision. Any modern state is so involved in the provision and regulation of goods and services that decisions about the good life and what is central to culture are pervasive.

So the state shapes our possibilities and embodies social practices for better or for worse. We need to admit this and construct institutions so that its impact can be conscious rather than unconscious. Communitarians (and some liberals) may argue, like MacIntyre, that 'the modern state is indeed unfitted to act as the moral educator of any community' (MacIntyre, 1984,195). They claim that we need communities embodying shared values below, but not at, the level of the state, which they see as a power mechanism which at best minimises conflict and protects individual interests. But it seems naive to think that such communities alone can resist countervailing forces, whether of the market or of the state itself. Better that we should be able consciously to determine how the state shapes social practices and constructs the common good than have it constructed behind our backs.

Deliberative Politics and the Common Good

The view that the common good is shaped by the citizens through politics recalls the tradition of civic republican thought. This shares with the Aristotelian tradition the beliefs that the common good is central, and human fulfilment requires a political community. In the civic republican community, however, the emphasis is on the shared values developed in an historically evolving

community. This communality derives not from the purposes laid down by a common human nature, or even by a common race or language, but from membership of the same political community, on which depends many of the possibilities of individual fulfilment. The shared values of politics are not just the implementation of values that are pre-political, but may themselves be constructed through politics. Citizens are united by joint membership and commitment to maintaining the institutions of their political community. The classic interpreter of this tradition was Machiavelli, who broke with the Aristotelian notion of a single determinate human good (Berlin, 1979; Skinner, 1990), and emphasised the importance of active citizenship in guaranteeing personal liberty and fulfilment. While classical republicanism was less sensitive to the potential dangers of oppression and exclusion even of a politically defined community, its modern representatives emphasise personal freedom and active deliberation as the heart of civic republicanism.

This idea of the political community and the politically defined common good need not be as oppressive as some liberals fear. In the first place, not all the actions of the state need be coercive, and in the second, the formulation of the common good is open to discussion and, once formulated, is open to critique.

The use of coercive and prohibiting legislation has preoccupied both conservative and liberal movements in Ireland. (Should we or should we not legislate for personal morality?) However, while some element of coercion seems essential to guarantee public order and to limit oppression within society, it may not be appropriate in moral and cultural concerns. Here there is great room for disagreement, and it is almost impossible to express nuances of interpretation within the constraints of coercive law - as we discovered in the first abortion amendment, which turned out, on judicial examination, not to exclude all possibility of legal abortion in Ireland. Given the power of the state, the cost to citizens if the state endorses an interpretation which does not reflect their deep beliefs is very great - in the case of abortion, for example, life and personal integrity may be at stake; if abortion becomes an entrenched right, the law creates difficulties for health workers who on conscience grounds do not wish to participate; if abortion is totally prohibited, the law creates other victims, as we saw in the X case. In addition, the exercise of such power is a double-edged sword which may have effects other than those intended. For example, legislation against pornography supported by feminists in Canada was used by others to restrict genuine women's self-help health books. Thus many feminists are opposed to dealing with the real harm they perceive to be done to women by pornography through censorship or prohibition; instead they stress other methods of minimising it, such as public identification and boycotting of mainstream distributors and retailers who deal in hard core pornography, and restrictions on its display and sale. That the state should exercise direct coercion and prohibition is not then the immediate conclusion we should draw from the desirability or undesirability of certain social practices.

The state can influence its citizens in at least three ways, by legal coercion and prohibition, and also by economic subsidisation and taxation, and by symbolic endorsement or condemnation. These other means are not insignificant. Though most people believe the Irish language should be supported, they reject the compulsory requirement of Irish at every level in education and the public service, and it is now widely agreed that the coercive approach to the revival of Irish was counter-productive. In contrast, far more people are prepared to endorse the subsidisation of *Telefís na Gaeilge*. The role of President Mary Robinson was often to use the less tangible symbolic power of the state to cultivate certain shared values, such as the equal status of women in Irish society, to

emphasise the richness and variety of our traditions, and to shift the expression of Irish identity from irredentist longing to collective pride in achievements. To take another example, recognising the value of a community's religious beliefs no longer means outlawing other faiths, and need not mean establishing a state church, or funding specific churches. The state can act quite strongly to endorse shared values without applying coercive legislation. Thus it may also introduce measures which support not only the practices of the wider community, but also the varying needs of lesser communities - linguistic, cultural, etc. - on which individual fulfilment depends. While endorsing particular cultures, it need not do so in an exclusionary manner.

As an example of the sort of relationship between the state and community values I am outlining, let us return to the case of marriage and the family. That we understand the family as a common value does not mean that marriage should necessarily be compulsory or even permanent for every person who enters it. We may live in a world where circumstances such as the power of market forces, the strain of urban life, the growth of social mobility or other factors, make permanent commitments more vulnerable than before; demanding that people should be bound to destructive relationships may be to demand the wrong thing much in certain cases. Aquinas recognised that it is not possible, and is counterproductive, to demand from people virtue beyond a certain level, and was not as rigorist in his proposals as some of his successors. The widely shared values of compassion and individual dignity now make us more reluctant to enforce longterm suffering on people in unhappy marriages. While issues as complex as this cannot be resolved in a few sentences, we may suggest that the state can recognise marriage without making it compulsory or binding for life in every case; it can allow divorce without endorsing polygamy or even creating a 'divorce culture'. Different circumstances can be dealt with differently, in provisions that recognise the impact on all, including children, affected by marital breakdown. Support for the family can also be embodied in very different ways, such as assistance for those with young children or caring for aged parents, statutory parental leave, and more effective provision for people in situations like long-term unemployment that put strain upon families. What is required to support the good of family life needs much more complex attention than simple universal legislative prohibition or admission of divorce.

The role envisaged for the state in promoting the common good should not then be seen as essentially coercive. Moreover, from this perspective, because of the complexity of the common good and the need for interpretation, the direction in which the influence of the state works and the specification of the common good should be open to reflection and deliberation by those who are affected by it. The common good cannot be simply read off from a static account of human nature or natural law, so the right to define the common good cannot be exclusively claimed by any particular set of people, expert or lay, who claim either to know definitively what is natural or to read the mind of the nation. Since the common good evolves historically, and varies with circumstances, it cannot be identified with the status quo, or existing expressions of shared understandings or culture; as cultures develop and change, and social practices evolve, every expression of the common good must be tentative and provisional. This is not an endorsement of moral relativism, as is often asserted, but of moral fallibilism. Cultures and social practices are provisional embodiments of what is good for those who live within them, but some cultures and practices achieve this better than others, and all are open to improvement.

Since the state is bound to express some version of the common good, it is most important that the public formulation of the common good should be just that. This requires that there be substantial

public discussion of issues that concern the common good, and institutional provision for a public space for such discussion.

This is a point which popular communitarians are in danger of overlooking; in the rush to maintain social values and re-emphasise individual duties and responsibility, the specific requirements of the common good and community are too hastily assumed, and not enough emphasis is laid on its interpretation and on enabling all members of society to participate in deliberation about what the common good and responsibility requires in particular contexts. Ascertaining what is in the common good is not a matter of a simple aggregation of preferences or unreflective opinions; it requires serious deliberation and judgement (Sunstein, 1988, 1991). It may be said that decisions have to be made in politics, that there is no acid test to distinguish conclusively unreflective preferences from serious deliberation, and that in many cases reflective agreement will not be reached. Thus decisions may often have to be made by a process that looks very like simply aggregating preferences. Nonetheless decisions should be preceded by as much and as open debate as possible, and the laws or policies to which they lead should not be placed beyond discussion, critique and possible future change. Thus issues which divide a society deeply, like divorce, should not be the subject of constitutional entrenchment.

Some liberals have argued that debates on public issues should be based only on values and beliefs that are shared between the participants, and that individuals and groups should not attempt to influence policy by citing their own particular religious, moral or cultural beliefs. This takes fundamental moral disputes off the political agenda. Thus, for example, in the divorce referendum debate, some anti-divorce campaigners and some churchmen framed their opposition not in religious terms, but in secular terms of damage to the social fabric. But it is not clear to me that this is the standard towards which we should aim. Reasonable people who have fundamentally different ideas about when human life begins, or whether capital punishment is ever justified, may find it impossible to talk to one another if they have to exclude their deep-seated beliefs from the discussion. If the 'public reason' in terms of which they are constrained to speak must be stripped of reference to their particular values, they may never really come to understand one another's positions, their differences, or the genuine feeling that underlies them. In such circumstances they may mutually appear more irrational and remote, and they may lack motivation to continue talking. Given the centrality of moral beliefs, and the difficulty of disentangling private and public matters, such a politics would truncate the political process of discussion, and would not eliminate moral conflict from politics. Therefore I suggest that political debate should allow people to advance arguments drawn from their deep seated moral convictions, while requiring them to recognise that not everyone may share these convictions. Where it can be achieved, the common good of politics lies in joint deliberation about what our substantive goods may be - in discussion where we can bring arguments from our 'comprehensive doctrines,' our cultural or religious beliefs to the table, not to stonewall the political process, but to have a deeper understanding of what is at issue. It would involve reflection on rather than bracketing of our fundamental beliefs. For many this is what actually was going on in the 1995 divorce referendum debate, rather than a decision to set aside their fundamental beliefs in a political context. In the light of experience and the arguments advanced, people reflected on what their moral views entailed and came to their decisions on that basis. Thus the Taoiseach at the time, John Bruton, could say afterwards that the result was not a victory for any side, as the divisions were experienced within as much as between citizens.

This perspective does not assume that consensus will always be reached; there will be situations where people will continue to disagree fundamentally. Politics has very tangible limits. At least it may be said that this form of political community is potentially less exclusive than racially or culturally defined political communities, and less oppressive than pre-political communities without institutionalised space for discussion and critique.

It could still be argued that contemporary societies contain such widely divergent perspectives that any substantial embodiment of the common good must privilege the values of one group over others. There are two possible answers to this; one is that beneath the much cited moral diversity in modern societies there lies a deeper framework of common values than we recognise; the other is that whatever our differences we are driven together by the fact that we face a common future in an increasingly interdependent world and a threatened natural environment. I cannot argue either of these in detail here, but these are points which must be taken seriously. In the present Irish political context too, we may already have common goods we underestimate, and are in danger of eroding. In addition, where there are different cultural and moral values, we may create through politics further common meanings which allow us to reflect on and understand the differences between our most deeply held values.

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In this paper I have argued for an understanding of the common good as shared goods that arise between people engaged in practices. These goods are a crucial aspect of human fulfilment, and need political expression and protection. But we should be critical in our approach to popular communitarians who derive over- hasty conclusions from this. Questions of the good should not be excluded from politics, but formulations of the good should not be too hastily embedded in constitutional and legislative measures. Indeed, rather than excluding the question of substantive goods from politics, we should recognise that any definitions of the good are provisional and open to improvement, and that one of the most important institutions required for the common good is a public space in which people may not just seek accommodation with those who have different values, but deliberate over what is the good for all significant parties. In the public space of politics common meanings are developed, not just reaffirmed.

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